



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |            |
|------------------------|------------|
| Application Number     | 10/749,064 |
| Filing Date            | 12/30/2003 |
| First Named Inventor   | Tomaschy   |
| Art Unit               | 3746       |
| Examiner Name          | YU         |
| Attorney Docket Number | 2027/17(b) |

**ENCLOSURES (Check all that apply)**

|   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address    | <input checked="" type="checkbox"/> Status Letter                                       |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Terminal Disclaimer   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
|   | <input type="checkbox"/> Landscape Table on CD   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <b>Remarks</b>   |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | Copy of original response to the Missing Parts received 4/29/04 by the PTO Return Postcard |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |  |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |   |          |        |
|--------------|---|----------|--------|
| Firm Name    | Dorr, Carson, Sloan, Birney & Kramer PC |          |        |
| Signature    | <i>W. Scott Carson</i>                  |          |        |
| Printed name | W. Scott Carson                         |          |        |
| Date         | 10/08/2004                              | Reg. No. | 27,292 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                        |      |            |
|-----------------------|------------------------|------|------------|
| Signature             | <i>W. Scott Carson</i> |      |            |
| Typed or printed name | W. Scott Carson        | Date | 10/08/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



*5 fee*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of :  
Willard R. Tormaschy et al. : Group Art Unit: 3746  
Serial No.: 10/749,064 : Examiner: JUSTINE YU  
Filed: 12/30/03 :  
For: WATER CIRCULATION SYSTEMS : Att: Tu  
FOR PONDS, LAKES, AND OTHER : OIPE  
BODIES OF WATER :

Certificate of Mailing

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated below addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

*W. Scott Carson*

10/08/2004

W. Scott Carson, Reg. No. 27,292

Date of Deposit

STATUS REQUEST

MS Missing Parts  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants mailed the attached Missing Parts including the Declaration on April 27, 2004. The return postcard (copy enclosed) indicates it was received April 29, 2004 by the PTO but applicants have not as yet received the corrected filing receipt.

A copy of items 1-2 and 4-9 listed in the enclosed copy of the original return card is enclosed.

Please charge any additional fees due or credit any refund to Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER PC

By: *W. Scott Carson*  
W. Scott Carson  
Reg. No. 27,292  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/749,064         | 12/30/2003             | Willard R. Tormaschy  | 2027/17(b)             |

W. Scott Carson, Esq.  
 Dorr, Carson, Sloan, Birney & Kramer, P.C.  
 3010 East 6th Avenue  
 Denver, CO 80206



CONFIRMATION NO. 7383  
 FORMALITIES LETTER



\*OC000000012369720\*

Date Mailed: 04/15/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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T TU

Customer Service Center

Initial Patent Examination Division (703) 308-1202

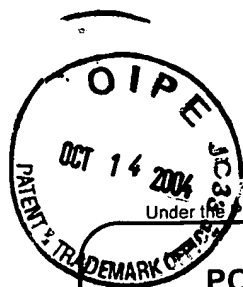
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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PTO/SB/81 (06-03)

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                        |  |
|------------------------|--|
| Application Number     | 10/749,064   |
| Filing Date            | December 30, 2003  |
| First Named Inventor   | Willard R. Tormaschy   |
| Title                  | WATER CIRCULATION SYSTEMS FOR PONDS, LAKES,<br>AND OTHER BODIES OF WATER |
| Art Unit               |  |
| Examiner Name          |  |
| Attorney Docket Number | 2027/17(b)   |

I hereby appoint:

☒ Practitioners at Customer Number:

23381

OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |
|      |                     |
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

|   |  |       |              |     |       |  |
|---|--|-------|--------------|-----|-------|--|
| <input checked="" type="checkbox"/> Firm or Individual Name | W. Scott Carson, Esq.                      |       |              |     |       |  |
| Address   | Dorr, Carson, Sloan, Birney & Kramer, P.C. |       |              |     |       |  |
| Address   | 3010 East 6th Avenue                       |       |              |     |       |  |
| City  | Denver                                     | State | CO           | Zip | 80206 |  |
| Country   | U.S.A.                                     |       |              |     |       |  |
| Telephone   | 303-333-3010                               | Fax   | 303-333-1470 |     |       |  |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

|           |               |           |              |
|-----------|---------------|-----------|--------------|
| Name      | Joel J. Bleth |           |              |
| Signature |               |           |              |
| Date      | JAN 27 2004   | Telephone | 703-254-4941 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (08-03)

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Willard R. Tormaschy et al.

Application No./Patent No.: 10/749,064 Filed/Issue Date: December 30, 2003

Entitled: WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER BODIES OF WATER

PSI-ETS, a North Dakota partnership  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [x] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

✓ Jim 29 2004

Date

701 235 4494

Telephone number

Joel J. Bleth

Typed or printed name

✓ [Signature]

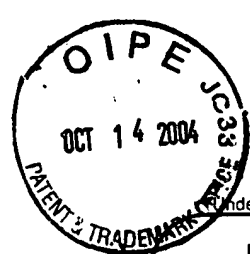
Signature

Managing Partner

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

2027/17(b)

First Named Inventor

Willard R. Tormaschy

COMPLETE IF KNOWN

Application Number

10/749,064

Filing Date

December 30, 2003

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER BODIES OF WATER

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

12/30/2003

as United States Application Number or PCT International

Application Number

10/749,064

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  |  | Certified Copy Attached? |                          |
|--|---------|-------------------------------------|--------------------------|--|--------------------------|--------------------------|
|  |         |                                     |                          |  | Yes                      | No                       |
|  |         |                                     | <input type="checkbox"/> |  | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> |  | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> |  | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> |  | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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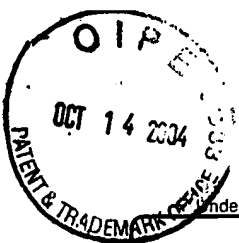
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## DECLARATION — Utility or Design Patent Application

|   |                           |   |                       |
|---|---------------------------|---|-----------------------|
| Direct all correspondence to: <input type="checkbox"/> Customer Number: <span style="border: 1px solid black; padding: 2px 20px;">23381</span> <b>OR</b> <input checked="" type="checkbox"/> Correspondence address below   |                           |   |                       |
| Name<br>W. Scott Carson, Esq.<br>Dorr, Carson, Sloan, Birney & Kramer, P.C.   |                           |   |                       |
| Address<br>3010 East 6th Avenue   |                           |   |                       |
| City<br>Denver  | State<br>CO               | ZIP<br>80206  |                       |
| Country<br>U.S.A.   | Telephone<br>303-333-3010 | Fax<br>303-333-1470   |                       |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |                           |   |                       |
| NAME OF SOLE OR FIRST INVENTOR:   |                           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                       |
| Given Name<br>(first and middle [if any])<br>Willard R.   |                           | Family Name<br>or Surname<br>Tomaschy   |                       |
| Inventor's Signature<br><i>Willard R. Tomaschy</i>  |                           | Date<br><i>1-27-04</i>  |                       |
| Residence: City<br>Dickinson  | State<br>ND               | Country<br>U.S.A.   | Citizenship<br>U.S.A. |
| Mailing Address<br>819 8th Avenue West  |                           |   |                       |
| City<br>Dickinson   | State<br>ND               | ZIP<br>58601  | Country<br>U.S.A.     |
| NAME OF SECOND INVENTOR:  |                           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                       |
| Given Name<br>(first and middle [if any])<br>Gary A.  |                           | Family Name<br>or Surname<br>Kudrna   |                       |
| Inventor's Signature<br><i>Gary A. Kudrna</i>   |                           | Date<br><i>1-27-04</i>  |                       |
| Residence: City<br>Dickinson  | State<br>CO               | Country<br>U.S.A.   | Citizenship<br>U.S.A. |
| Mailing Address<br>6320 107 Street N.W.   |                           |   |                       |
| City<br>Dickinson   | State<br>CO               | ZIP<br>58601  | Country<br>U.S.A.     |
| <input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.  |                           |   |                       |





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DECLARATION

ADDITIONAL INVENTOR(S)

Supplemental Sheet

Page 1 of 1

|  |           |   |    |         |        |             |        |
|--|-----------|---|----|---------|--------|-------------|--------|
| Name of Additional Joint Inventor, if any:   |           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |    |         |        |             |        |
| Given Name (first and middle (if any))       |           | Family Name or Surname  |    |         |        |             |        |
| Tait J.                                      |           | Obritsch  |    |         |        |             |        |
| Inventor's Signature <i>Tait J. Obritsch</i> |           | Date <i>1-27-04</i>   |    |         |        |             |        |
| Residence: City                              | Fairfield | State   | ND | Country | U.S.A. | Citizenship | U.S.A. |
| Mailing Address 12796 10th Street S.W.       |           |   |    |         |        |             |        |
| Mailing Address                              |           |   |    |         |        |             |        |
| City   | Fairfield | State   | ND | Zip     | 58627  | Country     | U.S.A. |
| Name of Additional Joint Inventor, if any:   |           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |    |         |        |             |        |
| Given Name (first and middle (if any))       |           | Family Name or Surname  |    |         |        |             |        |
| Joel J.                                      |           | Bleth   |    |         |        |             |        |
| Inventor's Signature <i>Joel J. Bleth</i>    |           | Date <i>Jan 07 2004</i>   |    |         |        |             |        |
| Residence: City                              | Dickinson | State   | ND | Country | U.S.A. | Citizenship | U.S.A. |
| Mailing Address 1224 14th Street W, #4       |           |   |    |         |        |             |        |
| Mailing Address                              |           |   |    |         |        |             |        |
| City   | Dickinson | State   | ND | Zip     | 58601  | Country     | U.S.A. |
| Name of Additional Joint Inventor, if any:   |           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |    |         |        |             |        |
| Given Name (first and middle (if any))       |           | Family Name or Surname  |    |         |        |             |        |
|  |           |   |    |         |        |             |        |
| Inventor's Signature                         |           | Date  |    |         |        |             |        |
| Residence: City                              |           | State   |    | Country |        | Citizenship |        |
| Mailing Address                              |           |   |    |         |        |             |        |
| Mailing Address                              |           |   |    |         |        |             |        |
| City   |           | State   |    | Zip     |        | Country     |        |

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## ASSIGNMENT

WHEREAS, we, Willard R. Tormaschy, Gary A. Kudrna, Tait J. Obritsch, and Joel J. Bleth, have invented certain new and useful improvements for which a provisional patent application for United States Letters Patent was filed on December 31, 2002 receiving Serial No. 60/437,217, a non-provisional patent application for United States Letters Patent was filed on December 30, 2003 receiving Serial No. 10/749,064, and a PCT application was filed on December 30, 2003 receiving Serial No. PCT/US03/41602; and,

WHEREAS, PSI-ETS, a North Dakota partnership whose address is Box 1940, Dickinson, North Dakota 50601 and whose principal partners are Joel J. Bleth and Willard R. Tormaschy (both citizens of the United States), is desirous of acquiring the entire right, title, and interest in and to the above-identified patent applications and the inventions embodied therein and any Letters Patent that may be granted therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid to us, the receipt thereof is hereby acknowledged, and other good and valuable consideration, we do sell, assign, and transfer to PSI-ETS, its successors, legal representatives, and assigns all right, title and interest in and to the above-identified patent applications and the inventions embodied therein in the United States and its territorial possessions and in all foreign countries and in all provisional, nonprovisional, division, continuation, continuation-in-part, substitution, reexamination, reissue, and any other extension applications thereof and all Letters Patent that may issue thereon.

We hereby authorize and request the Patent and Trademark Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent when granted to PSI-ETS as the assignee of the entire right, title, and interest in and to the same, for the use and enjoyment of PSI-ETS, its successors, legal representatives, and assigns.

Further, we agree that we will communicate to PSI-ETS, or its representatives, all facts known to us in regard to said inventions, and testify in any legal proceedings, sign all lawful papers, execute all provisional, nonprovisional, division, continuation, continuation-

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in-part, substitution, reissue, reexamination, and any other extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to PSI-ETS, make all rightful oaths, and generally do everything necessary or desirable to aid PSI-ETS, its successors and assigns to obtain and enforce proper protection for said inventions in the United States and in any foreign countries.

We hereby covenant that we have full right to convey the rights, titles, and interests assigned herein and that we have not executed and will not execute any agreement in conflict with this Assignment.

Willard R Tormaschy  
Willard R. Tormaschy

1-27-04  
Date

Gary A Kudrna  
Gary A. Kudrna

1-27-04  
Date

Tait J. Obritsch  
Tait J. Obritsch

1-27-04  
Date

Joel J. Bleth  
Joel J. Bleth

Jan 27, 2004  
Date



COPY

RECEIVED ON DATE STAMPED BELOW:

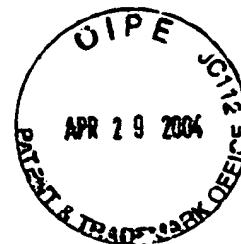
In Re: Patent Application of Willard R. Tormaschy et al.

Serial No.: 10/749,064

Filed: December 30, 2003

For: WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER  
BODIES OF WATER

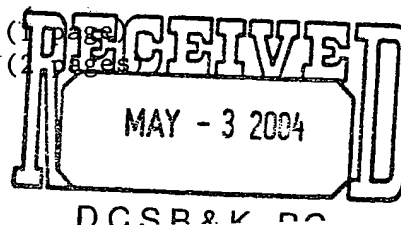
1. Transmittal (1 page)
2. Fee Transmittal (1 page)
3. Check/\$105
4. Response to Missing Parts (2 pages)
5. Declaration (3 pages)
6. Assignment Papers (3 pages)
7. Power of Attorney (1 page)
8. Statement Under 37 CFR 3.73(b) (1 page)
9. Notice of Missing Parts (copy) (2 pages)



WSC:jv

Date: April 27, 2004

DN 2027/17(b) - Bleth



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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number

10/749,064

Filing Date

December 30, 2003

First Named Inventor

Willard R. Tomaschky

Art Unit

Examiner Name

Attorney Docket Number

2027/17(b)

### ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Response to Missing Parts/  
Incomplete ApplicationResponse to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

Remarks

After Allowance communication  
to Technology Center (TC)Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please  
Identify below):

Declaration

Assignment Papers

Statement Under 37 CFR 3.73(b)

Notice of Missing Parts (copy)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

W. Scott Carson, Esq.

Signature

Dorr, Carson, Sloan, Birney & Kramer, P.C.  
*W. Scott Carson*

Date

April 27, 2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

W. Scott Carson - 27,292

Signature

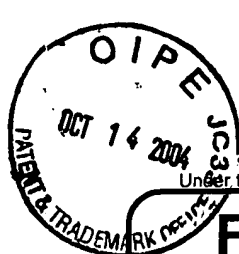
*W. Scott Carson*

Date

April 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 105

**Complete if Known**

|                      |                     |
|----------------------|---------------------|
| Application Number   | 10/749,064          |
| Filing Date          | December 30, 2003   |
| First Named Inventor | Willard R. Tomaschy |
| Examiner Name        |                     |
| Art Unit             |                     |
| Attorney Docket No.  | 2027/17(b)          |

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

04-1414

Dorr, Carson, Sloan &amp; Birney, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid    |
|----------------------------|----------------------------|------------------------|-------------|
| 1001 770                   | 2001 385                   | Utility filing fee     |             |
| 1002 340                   | 2002 170                   | Design filing fee      |             |
| 1003 530                   | 2003 265                   | Plant filing fee       |             |
| 1004 770                   | 2004 385                   | Reissue filing fee     |             |
| 1005 160                   | 2005 80                    | Provisional filing fee |             |
| <b>SUBTOTAL (1)</b>        |                            |                        | <b>(\$)</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims              | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| Independent Claims        | -20** =      | X              |          |
| Multiple Dependent Claims | -3** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  | 65       |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 420      | 2252 210      | Extension for reply within second month                                    |          |
| 1253 950      | 2253 475      | Extension for reply within third month                                     |          |
| 1254 1,480    | 2254 740      | Extension for reply within fourth month                                    |          |
| 1255 2,010    | 2255 1,005    | Extension for reply within fifth month                                     |          |
| 1401 330      | 2401 165      | Notice of Appeal   |          |
| 1402 330      | 2402 165      | Filing a brief in support of an appeal                                     |          |
| 1403 290      | 2403 145      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,330    | 2453 665      | Petition to revive - unintentional   |          |
| 1501 1,330    | 2501 665      | Utility issue fee (or reissue)   |          |
| 1502 480      | 2502 240      | Design issue fee   |          |
| 1503 640      | 2503 320      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) | 40       |
| 1809 770      | 2809 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770      | 2810 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770      | 2801 385      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 105**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)

W. Scott Carson

Registration No.  
(Attorney/Agent)

27,292

Telephone (303) 333-3010

Signature

W. Scott Carson

Date

April 27, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of :  
Willard R. Tormaschy et al. : Group Art Unit:  
Serial No.: 10/749,064 : Examiner:  
Filed: 12/30/2003 : Conf. No.: 7383  
For: WATER CIRCULATION SYSTEMS : ATT: T. Tu  
FOR PONDS, LAKES, AND OTHER :  
BODIES OF WATER :

### Certificate of Mailing

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated below addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

*W. Scott Carson*

W. Scott Carson, Reg. No. 27,292

April 27, 2004

Date of Deposit

### LETTER RE:

- (1) RULE 1.16(e) SUBMISSION OF DECLARATION,
- (2) ASSIGNMENT AND COVER SHEET,
- (3) POWER OF ATTORNEY,
- (4) RULE 3.73(b) STATEMENT,
- (5) COPY OF NOTICE OF MISSING PARTS,
- (6) CHECK, AND
- (7) REQUEST TO ASSOCIATE CUSTOMER NO. 23381 WITH THIS CASE

MS Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Rule 1.16(e), please find enclosed the original Declaration in regard to the above-identified patent application and an Assignment and Cover Sheet along with a check in the amount of \$105 to cover the late filing of the Declaration and the recording of the Assignment.

A copy of the Notice Of Missing Parts is enclosed along with a Power Of Attorney and Statement Under Rule 3.73(b).

**PLEASE ASSOCIATE CUSTOMER NO. 23381 WITH THIS CASE.**

# COPY

Please charge any additional fee due or credit any refund to our  
Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER, P.C.

By: W. Scott Carson  
W. Scott Carson  
Reg. No. 27,292  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010





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| RECORDATION FORM COVER SHEET<br>PATENTS ONLY   |   | U.S. DEPARTMENT OF COMMERCE<br>U.S. Patent and Trademark Office |   |                                     |                               |
|--|---|---|---|-------------------------------------|-------------------------------|
| To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.  |   |   |   |                                     |                               |
| <b>1. Name of conveying party(ies):</b><br>Willard R. Tormaschy<br>Gary A. Kudrna<br>Tait J. Obritsch<br>Joel J. Bleth<br>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   | <b>2. Name and address of receiving party(ies)</b><br>Name: <u>PSI-ETS</u><br>Internal Address: _____<br>_____<br>Street Address: <u>Box 1940</u><br>_____<br>City: <u>Dickinson</u> State: <u>ND</u> Zip: <u>50601</u><br>Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |   |   |                                     |                               |
| <b>3. Nature of conveyance:</b><br><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger<br><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name<br><input type="checkbox"/> Other _____<br>Execution Date: <u>January 27, 2004</u>  |   |   |   |                                     |                               |
| <b>4. Application number(s) or patent number(s):</b><br>If this document is being filed together with a new application, the execution date of the application is: _____<br>A. Patent Application No.(s) <u>10/749,064</u><br>_____<br>B. Patent No.(s) _____<br>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |   |   |   |                                     |                               |
| <b>5. Name and address of party to whom correspondence concerning document should be mailed:</b><br>Name: <u>W. Scott Carson, Esq.</u><br><u>Dorr, Carson, Sloan, Birney &amp; Kramer, P.C.</u><br>Internal Address: _____<br>_____<br>Street Address: <u>3010 East 6th Avenue</u><br>_____<br>City: <u>Denver</u> State: <u>CO</u> Zip: <u>80206</u>  | <b>6. Total number of applications and patents involved:</b> <u>1</u><br><b>7. Total fee (37 CFR 3.41).....\$</b> <u>40</u><br><input checked="" type="checkbox"/> Enclosed<br><input type="checkbox"/> Authorized to be charged to deposit account<br><b>8. Deposit account number:</b><br><u>04-1414</u>                                |   |   |                                     |                               |
| <b>DO NOT USE THIS SPACE</b>   |   |   |   |                                     |                               |
| <b>9. Signature.</b><br><br><table border="0" style="width: 100%;"><tr><td style="width: 33%; text-align: center;"><u>W. Scott Carson - 27,292</u><br/>Name of Person Signing</td><td style="width: 33%; text-align: center;"><u>W. Scott Carson</u><br/>Signature</td><td style="width: 33%; text-align: center;"><u>April 27, 2004</u><br/>Date</td></tr></table><br>Total number of pages including cover sheet, attachments, and documents: <u>3</u> |   |   | <u>W. Scott Carson - 27,292</u><br>Name of Person Signing | <u>W. Scott Carson</u><br>Signature | <u>April 27, 2004</u><br>Date |
| <u>W. Scott Carson - 27,292</u><br>Name of Person Signing  | <u>W. Scott Carson</u><br>Signature   | <u>April 27, 2004</u><br>Date                                   |   |                                     |                               |